

# House Amendment 8407

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1 1 Amend Senate File 445, as amended, passed, and  
1 2 reprinted by the Senate, as follows:  
1 3 #1. Page 1, by inserting before line 1 the  
1 4 following:  
1 5 <Section 1. Section 543B.8, Code 2007, is amended  
1 6 by adding the following new unnumbered paragraph:  
1 7 NEW UNNUMBERED PARAGRAPH. A landlord-tenant  
1 8 relations review board is established in the  
1 9 department of commerce within the real estate  
1 10 commission. The landlord-tenant relations review  
1 11 board shall carry out duties specified in sections  
1 12 562A.12A and 562A.35A. The commission shall provide  
1 13 staff assistance and administrative support to the  
1 14 landlord-tenant relations review board.  
1 15 Sec. 2. Section 562A.12, subsection 3, unnumbered  
1 16 paragraph 1, Code 2007, is amended to read as follows:  
1 17 A landlord shall, within thirty days from the date  
1 18 of termination of the tenancy and receipt of the  
1 19 tenant's mailing address or delivery instructions,  
1 20 return the rental deposit to the tenant or furnish to  
1 21 the tenant a written statement showing the specific  
1 22 reason for withholding of the rental deposit or any  
1 23 portion thereof. If the rental deposit or any portion  
1 24 of the rental deposit is withheld for the restoration  
1 25 of the dwelling unit, the statement shall specify the  
1 26 nature of the damages. In addition to a written  
1 27 statement of the reasons for withholding a rental  
1 28 deposit, the landlord shall provide photographic  
1 29 documentation of any damage described in the written  
1 30 statement and provide copies of all documentation  
1 31 related to any inspection conducted following  
1 32 termination of the tenancy. The landlord may withhold  
1 33 from the rental deposit only such amounts as are  
1 34 reasonably necessary for the following reasons:  
1 35 Sec. 3. Section 562A.12, subsection 3, unnumbered  
1 36 paragraph 2, Code 2007, is amended to read as follows:  
1 37 In ~~an~~ a court action, or in a proceeding pursuant  
1 38 to section 562A.35A, subsection 5, concerning the  
1 39 rental deposit, the burden of proving, by a  
1 40 preponderance of the evidence, the reason for  
1 41 withholding all or any portion of the rental deposit  
1 42 shall be on the landlord.>  
1 43 #2. Page 1, by inserting after line 8 the  
1 44 following:  
1 45 <Sec. \_\_\_\_\_. NEW SECTION. 562A.12A LANDLORD RENTAL  
1 46 DEPOSIT REPORTS.  
1 47 The landlord of a premises having twenty-five or  
1 48 more rental dwelling units shall file an annual  
1 49 landlord rental deposit report for the previous  
1 50 calendar year with the landlord-tenant relations  
2 1 review board on or before February 1. Each report  
2 2 shall provide the reasons for each rental deposit, or  
2 3 portion thereof, withheld by the landlord, the  
2 4 original rental deposit amount, and the amount  
2 5 withheld. The real estate commission, in consultation  
2 6 with the landlord-tenant relations review board, shall  
2 7 prescribe a standardized form for reports required  
2 8 under this section.  
2 9 Sec. \_\_\_\_\_. Section 562A.13, Code 2007, is amended  
2 10 by adding the following new subsection:  
2 11 NEW SUBSECTION. 7. The landlord or a person  
2 12 authorized to enter into a rental agreement on behalf  
2 13 of the landlord shall provide to the tenant at or  
2 14 before the commencement of the tenancy all of the  
2 15 following:  
2 16 a. A written statement of all damage to the  
2 17 dwelling unit caused by the previous tenant.  
2 18 b. Photographs of the dwelling unit taken during  
2 19 the inspection conducted at the expiration of the  
2 20 previous tenancy.  
2 21 c. A written statement of all restoration or  
2 22 repairs made following the expiration of the previous  
2 23 tenancy.  
2 24 Sec. \_\_\_\_\_. Section 562A.15, Code 2007, is amended

2 25 by adding the following new subsection:  
2 26 NEW SUBSECTION. 5. The landlord of a premises  
2 27 having twenty-five or more rental dwelling units is  
2 28 required to employ an on-site manager. The on-site  
2 29 manager may either reside on the premises or operate  
2 30 an office on the premises during normal business  
2 31 hours. A landlord may serve as an on-site manager.  
2 32 Sec. \_\_\_\_\_. NEW SECTION. 562A.35A LANDLORD-TENANT  
2 33 RELATIONS REVIEW BOARD.  
2 34 1. The landlord-tenant relations review board is  
2 35 established in the department of commerce within the  
2 36 real estate commission. The landlord-tenant relations  
2 37 review board shall consist of three members. Members  
2 38 of the board shall be appointed to four-year staggered  
2 39 terms by the governor.  
2 40 2. a. A vacancy on the board shall be filled in  
2 41 the same manner as the original appointment. A member  
2 42 appointed to fill a vacancy created other than by  
2 43 expiration of a term shall be appointed for the  
2 44 remainder of the unexpired term.  
2 45 b. A majority of the members of the board  
2 46 constitutes a quorum. Any action taken by the board  
2 47 must be adopted by the affirmative vote of a majority  
2 48 of its membership.  
2 49 c. The board shall elect a chairperson from the  
2 50 membership of the board. The chairperson shall serve  
3 1 a two-year term.  
3 2 d. Board members shall be reimbursed for actual  
3 3 and necessary expenses incurred while engaged in their  
3 4 official duties.  
3 5 3. The real estate commission shall provide staff  
3 6 assistance and administrative support to the board.  
3 7 4. The duties of the board shall include all of  
3 8 the following:  
3 9 a. Adopt and publish guidelines that estimate  
3 10 common restoration and replacement costs to landlords  
3 11 following termination of a tenancy.  
3 12 b. Propose rules, for approval by the real estate  
3 13 commission and adoption by the commission pursuant to  
3 14 chapter 17A, describing the reporting requirements for  
3 15 landlords pursuant to section 562A.12A.  
3 16 c. Hear and decide voluntary informal dispute  
3 17 resolution proceedings pursuant to subsection 5.  
3 18 d. Receive and index rental deposit complaints  
3 19 against landlords from current and former tenants.  
3 20 e. Compile and make available an annual report  
3 21 consisting of all landlord rental deposit reports  
3 22 received pursuant to section 562A.12A, a summary of  
3 23 the board's informal dispute resolution proceedings,  
3 24 and an index of all landlord rental deposit complaints  
3 25 received from tenants.  
3 26 5. a. The board shall preside over voluntary  
3 27 informal dispute resolution proceedings between  
3 28 tenants and landlords relating to the withholding of  
3 29 rental deposits under section 562A.12, subsection 3,  
3 30 paragraph "b".  
3 31 b. An application for voluntary informal dispute  
3 32 resolution must be voluntarily signed and submitted by  
3 33 both parties. The board shall determine a time and  
3 34 place for the proceeding and provide written notice of  
3 35 the proceeding to the parties.  
3 36 c. The board shall adopt procedures to govern  
3 37 proceedings under this subsection. The procedures  
3 38 shall be provided to the parties in writing and shall  
3 39 accompany the notice of the proceeding.  
3 40 d. The rules of evidence shall not apply to a  
3 41 proceeding under this subsection. The board shall  
3 42 review any relevant evidence provided by the parties  
3 43 and the rental agreement governing the tenancy.  
3 44 e. The burden of proving, by a preponderance of  
3 45 the evidence, the reason for withholding all or any  
3 46 portion of the rental deposit shall be on the  
3 47 landlord.  
3 48 f. The board shall issue a decision in the dispute  
3 49 no later than ten days after completion of the  
3 50 proceeding. The board's decision is binding on the  
4 1 landlord and tenant if both parties have voluntarily  
4 2 participated in the proceeding. A decision of the  
4 3 board shall preclude other remedies available to the  
4 4 parties relating to the withholding of the rental  
4 5 deposit under section 562A.12, subsection 3, paragraph

4 6 "b". However, a board decision may be enforced by a  
4 7 civil action in district court, and damages and  
4 8 attorney fees specified in section 562A.12,  
4 9 subsections 7 and 8, may be awarded by the court.  
4 10 g. Section 562A.12, subsections 7 and 8, relating  
4 11 to punitive damages and attorney fees, shall not apply  
4 12 to voluntary informal dispute resolution proceedings  
4 13 under this subsection.  
4 14 6. No member of the board may be held liable for  
4 15 civil damages for any statement or decision made  
4 16 pertaining to a dispute resolution proceeding under  
4 17 this section.  
4 18 7. The real estate commission, in consultation  
4 19 with the board, shall adopt rules pursuant to chapter  
4 20 17A for carrying out the duties of the board pursuant  
4 21 to this section.  
4 22 8. The board shall, except for actions taken in  
4 23 relation to proceedings under subsection 5, comply  
4 24 with the requirements of chapters 21 and 22. The real  
4 25 estate commission shall be the official repository of  
4 26 board records.>  
4 27 #3. Title page, by striking lines 1 and 2 and  
4 28 inserting the following: <An Act relating to landlord  
4 29 and tenant law by modifying requirements related to  
4 30 rental deposits, providing for the establishment of a  
4 31 landlord=tenant relations review board, requiring  
4 32 certain premises to have an on-site manager and  
4 33 increasing punitive damages that may be awarded for  
4 34 wrongful retention of certain rental deposits.>  
4 35 #4. By renumbering as necessary.  
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4 39 BELL of Jasper  
4 40 SF 445.704 82  
4 41 md/nh/21076